

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

Buergofol GmbH,

Plaintiff,

vs.

Omega Liner Company, Inc.,

Defendant.

Case No. 4:22-cv-04112

**OMEGA’S NOTICE REGARDING FILING OF *INTER PARTES* REVIEW
PETITIONS CHALLENGING THE PATENTABILITY OF THE PATENTS-IN-SUIT**

Defendant Omega Liner Company, Inc. (“Omega”), hereby provides Notice to the Court of its recent filing of *inter partes* review (“IPR”) petitions with the Patent Trial and Appeal Board (“PTAB”) at the U.S. Patent and Trademark Office (“USPTO”), to invalidate all asserted claims of the patents-in-suit, respectfully showing as follows:

- (1) On September 12, 2023, Omega filed an IPR petition (Case No. IPR2023-01372) to invalidate claims 1, 3-7, 10-13 of U.S. Patent No. 9,657,882 (only claims 1, 3-7 and 10-11 of the ’882 patent are asserted by Buergofol in this lawsuit); and
- (2) On September 20, 2023, Omega filed an IPR petition (Case No. IPR2023-01402) to invalidate all claims (1-10) of U.S. Patent No. 8,794,269.

The IPR petitions, expert declarations and exhibits filed by Omega are publicly available online at the Patent Trial and Appeal Case Tracking System (P-TACTS) at <https://ptacts.uspto.gov/ptacts/ui/home>.

Because this case is still in its early stages (e.g., an ESI order will not be in place for at least another 60 days, the September 18, 2023 hearing was just held on numerous discovery

motions), and because Omega anticipates that both petitions will be granted and a full review of the patentability of the patents-in-suit will be conducted by the PTAB, and in the interest of judicial economy, Omega will be seeking a stay of this case.

Dated this 21st day of September, 2023

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CERTIFICATE OF SERVICE

The undersigned certifies that, on the date indicated above, a true and correct copy of the foregoing document was served electronically using the CM/ECF system:

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/s/ *Meghann M. Joyce*

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